

REMARKS

Applicants respectfully acknowledge receipt of the Office Action mailed May 31, 2005, the period for reply having been extended to September 30, 2005.

In the Office Action, the Examiner: (1) objected to the drawings under 37 C.F.R. § 1.83(a); (2) objected to claims 11 and 12 because of informalities; (3) rejected claims 1-3, 11, and 12 under 35 U.S.C. § 102(b) as being anticipated by *Nagel* (U.S. Patent No. 3,585,823); (4) rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *Nagel* in view of *Hisatsune* (U.S. Patent No. 3,633,393); (5) rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over *Nagel* in view of *Patton* (U.S. Patent No. 4,823,567); and (6) rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over *Nagel* in view of *Patton*, and further in view of *Asenstorfer et al.* (U.S. Patent No. 6,526,785).

By this Amendment, Applicant amend claims 1, 10, and 11, and cancel claims 2, 3, 8, 9, and 12 without prejudice or disclaimer. Claims 4-7 and 13-20 were previously withdrawn in a "Response to Restriction Requirement" filed March 18, 2005. Applicants reserve the right to present the subject matter of those claims canceled and withdrawn at a later date, for example, in the present application or a continuing application. Claims 1, 10 and 11 remain pending. Of these claims, claims 1 and 11 are independent.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to claims 1, 10, and 11. No new matter has been introduced.

Based on the foregoing amendments, Applicants traverse each of the above objections and rejections and respectfully request reconsideration for at least the reasons that follow.

I. OBJECTION TO THE DRAWINGS

The drawings stand objected under 37 C.F.R. § 1.83(a). Applicants respectfully traverse the objection.

Specifically, the Examiner asserts “the subject matter of claims 8 and 9 must be shown or the features canceled from the claims...[and] [f]ormal drawings are required.” (*Office Action*, p. 2, ll. 11-14). Applicants have canceled claims 8 and 9. In addition, Applicants provide formal drawings for Figures 1A-1F and 2-4 with this Amendment. Thus, the objection under 37 C.F.R. § 1.83(a) is moot and should be withdrawn.

II. OBJECTION TO CLAIMS 11 AND 12

Claims 11 and 12 stand objected to because of informalities. Specifically, the Examiner asserts “[i]n claim 11, line 6, the ‘second direction’ is object to as being inaccurate...” (*Office Action*, p. 3, ll. 7-11).

Accordingly, Applicants have amended claim 11 to recite in part “the second shackle hole allows the first end to pass in a first direction, and blocks the second end to pass in the same first direction.” Consequently, Applicants respectfully request the objection of claims 11 and 12 be withdrawn.

III. 35 U.S.C. § 102(b) REJECTION

Claims 1-3, 11, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Nagel*. Applicants respectfully traverse the rejection.

Applicants note that in order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, "either expressly or inherently described, in a single prior art reference." "The identical invention must be shown in as complete detail as is contained in the . . . claim.

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." See M.P.E.P. § 2131, 8th ed., 2001.

Applicants first note that this rejection is moot as to claims 2, 3, and 12 because Applicants have cancelled claims 2, 3, and 12.

Nagel discloses a lock housing 50 comprising identical chain extending passages 18', a linked chain 36 comprising a plug 28 and a locking guide 16' at each end, and a lock tumbler 22' comprising locking pins 36' and 38' and locking bolts 34' and 44' (emphasis added). (*Nagel*, col. 2, ll. 6-31 and Figure 1). *Nagel*, however, is silent at least as to having a diameter of one chain extending passage 18' greater than a diameter of the second chain extending passage 18'.

Accordingly, *Nagel* necessarily fails to teach the claimed combination including at least "a first shackle hole formed in the housing corresponding to the first connecting member; and a second shackle hole formed in the housing corresponding to the second connecting member, wherein a diameter of the second shackle hole is greater than a diameter of the first shackle hole," as recited in amended claim 1, and "a first shackle hole formed in the housing corresponding to the first end; and a second shackle hole formed in the housing corresponding to the second end; wherein a diameter of the second shackle hole is greater than a diameter of the first shackle hole," as recited in amended claim 11. Since *Nagel* fails to disclose each and every element of either claim

1 or claim 11, *Nagel* fails to anticipate claim 1 or claim 11. Applicants therefore request that the rejection of claims 1 and 11 under 35 U.S.C. § 102(b) be withdrawn and claims 1 and 11 be allowed.

III. 35 U.S.C. § 103(a) REJECTION

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nagel* in view of *Hisatsune*, *Nagel* in view of *Patton*, and *Nagel* in view of *Patton*, and further in view of *Asenstorfer*, respectively. Applicants respectfully traverse these rejections.

The rejections of claims 8 and 9 are rendered moot by Applicants' cancellation of claims 8 and 9.

Moreover, claim 10 is allowable at least because *Patton* and *Asenstorfer* fail to overcome the deficiencies of *Nagel*, as they do not teach or suggest, among other things, "a first shackle hole formed in the housing corresponding to the first connecting member; and a second shackle hole formed in the housing corresponding to the second connecting member, wherein a diameter of the second shackle hole is greater than a diameter of the first shackle hole." Consequently, claim 10 is in condition for allowance. Accordingly, the claim rejections set forth under 35 U.S.C. § 103(a) are now moot and should be withdrawn.

IV. CONCLUSION

Applicants respectfully submit that claims 1, 10, and 11 are in condition for allowance.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 30, 2005

By: 

Richard V. Burgjian
Reg. No. 31,744

Attachments: Replacement Figures 1A-1F and 2-4

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include formal Figures 1A-1F and 2-4.

Attachments: Replacement Sheets: 5 sheets – Figures 1A-1F and 2-4